

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CAROLYN DUNN LUKSZA & PATRICIA  
FOSER, individually and on behalf of others  
similarly situated,

Plaintiffs,

vs.

TJX COMPANIES, INC., d/b/a TJ MAXX,  
Defendants.

Case No.: 2:11-cv-01359-JCM-GWF

**ORDER**

Motion for Leave to File  
Surreply (#60)

This matter comes before the court on Defendant's Motion for Leave to File a Surreply (#60), filed on May 4, 2012; Response to Motion for Leave (#62), filed on May 10, 2012; and Defendant's Reply (#63), filed on May 17, 2012. Defendant requests the Court allow it to file a surreply in opposition to Plaintiff's Motion for Conditional Certification (#8). Defendant argues that Plaintiff introduced new facts and arguments in their Reply (#58), which are inaccurate portrayals of the record and/or misstatements of the applicable law.

The parties have submitted lengthy briefs in support of and in opposition to Plaintiff's Motion for Conditional Certification (#8). At this time, the Court finds that additional briefing is not necessary or warranted. This finding however does not preclude Defendant from addressing any of their concerns with Plaintiff's Reply (#58) at the time set for hearing on this matter. After the hearing, if the Court finds that further briefing is necessary, the Court will order the parties to submit such briefing. Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Leave to File a Surreply (#60) is **denied**.

1           **IT IS FURTHER ORDERED** that a hearing on Plaintiff's Motion for Conditional  
2 Certification (#8) is scheduled for **Thursday, June 7, 2012 at 9:30 AM** in Las Vegas Courtroom  
3 3A.

4           DATED this 18th day of May, 2012.

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7 GEORGE FOLEY, JR.  
8 United States Magistrate Judge  
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